THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 24333 OF 2003

Dated 1st August 2007

Between:

Raj Kishore Lanka

…Petitioner

and

The Andhra University, Visakhapatnam,
rep.by its Registrar & others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 24333 OF 2003

O R D E R:

The petitioner was admitted into I-Year MCA course, during the Academic year 2003-04, in the 3rd respondent college, against a seat in the Management Quota. The college is affiliated to Andhra University, Visakhapatnam, the 1st respondent herein. The list of candidates, admitted by 3rd respondent, was submitted for approval by the University. Through proceedings dated 22.10.2003, issued by the Vice-Chancellor, the admission of the petitioner was not approved; on the ground that it does not accord with G.O.Ms.No.46, Higher Education (EC.1) Department,
dated 5.7.2003. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and learned Standing Counsel for respondents 1 and 2.

The qualifying examination for admission into MCA course is pass in Degree examination. The petitioner passed the Degree examination with 49.94%. He has also appeared in the entrance

examination, conducted for selection of candidates for admission into MCA course. On the basis of the rank secured by him, he was admitted into 3rd respondent college. The impugned proceedings were issued, on the basis that unless a candidate secured 50% of marks in the qualifying examination, he cannot be treated as eligible to be admitted into the course.

The Government framed the Andhra Pradesh Regulation of Admissions into MBA/MCA Professional Courses through Common Entrance Test Rules, 2003 (for short "the Rules"), and they were published in G.O.Ms.No.46, dated 5.7.2003. Clause 4(ii) prescribes eligibility criteria. The eligibility for this course is prescribed as pass in 10+2+3 course, or equivalent, and a rank in the Integrated Common Entrance Test. Clause 7 deals with the procedure of admissions. In sub-clause (B) thereof, 15% seats in the Unaided Non-Minority and Un-aided Minority Professional Institutions, are earmarked for being filled up by the management. A perusal of the provision discloses that 50% of the marks in the qualifying examination becomes compulsory, only when the admission is not based upon the rank in the entrance examination. If a candidate is admitted on the basis of the rank, the percentage becomes irrelevant, and pass in the qualifying examination would be sufficient. Therefore, the view taken by the respondents cannot be sustained. At any rate, the petitioner had since completed the course.

The writ petition is accordingly allowed, and the petitioner shall be entitled to complete the course, if not already completed.

There shall be no order as to costs.

1st August 2007

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